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In the Supreme Court of the United States

OCTOBER TERM, 1967.

No. 1205.

DAVID A. GOLDNER,
Petitioner,

v.

EDWARD S. SILVER,
District Attorney, Kings County, State of New York,
Respondent.

REPLY BRIEF OF PETITIONER TO RESPONDENT'S BRIEF ON PETITION FOR WRIT OF CERTIORARI.

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Respondent's brief demonstrates that the State of New York joins in the petition for writ of certiorari as to the Fourth Amendment argument [1] presented by petitioner and opposes the petition as to the general due process arguments [2] therein contained. Without in any way taking issue with respondent's contention that the scope and retrospective application of *Spevack v. Klein,* 385 U. S. 511 (1967), particularly with respect to the breadth of the subpoena power of state authorities in disciplinary proceedings against attorneys, are important questions raised clearly in the case at bar which require resolution by this Court, the recent announcement of this Court's opinion

[1] Argument I, pp. 24-33, Petition for Writ of Certiorari.

[2] Arguments II and III, pp. 33-40, Petition for Writ of Certiorari.

in *In re Ruffalo*, ____ U. S. ____, 36 U. S. L. Week 4284 (April 8, 1968) and some misleading statements in respondent's answer brief compel this reply.

References to, and commentary upon, matter in respondent's brief will follow in the order of its appearance in the brief of the respondent.

I.

The parties' joint recognition of the importance of the questions of scope and retrospectivity of *Spevack* as that decision affects Fourth Amendment consideration of the appropriate breadth of state subpoena power in disbarment proceedings, ought not to obscure their basic differences in analysis of the problems and in the result sought. Despite respondent's contention [3] that "the scope and application" of *Shapiro v. United States*, 335 U. S. 1 (1947) and "the question of whether an attorney might be disbarred for refusal to produce records he was required lawfully to keep as a proper part of his being a licensee in a high calling" are here in issue, petitioner categorically denies that these questions are dispositive of the instant case. The subpoena whose breadth petitioner attacks compelled the production of all sorts of *private* papers not required to be kept by petitioner because of his status as a lawyer—not records required to be kept by law. Petitioner's complaint is that the subpoena was unconstitutionally broad and indefinite and reached private papers no man—even a lawyer—should be compelled to disgorge in such wholesale fashion. The constitutional infirmity of the subpoena is not cured by respondent's bald assertion [4] that, "although the subpoena appears, by the decision in *Spe-*

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[3] Respondent's Brief, p. 4.

[4] Respondent's Brief, p. 4.

vack, to have been too broad * * * the records actually used against petitioner at the disciplinary hearings related only to his function as an attorney * * *." For the specific harm of general warrants which the Fourth Amendment requirement of particularity was designed to guard against is precisely that which occurred here—the state rummaged indiscriminately through petitioner's records and used whatever small proportion of them it desired to introduce in evidence. Regardless of the *amount* of seized material actually offered in evidence against petitioner, his Fourth Amendment right to privacy was violated by the sweeping compulsory process of the subpoena itself.

Because petitioner is seeking to extend the rule of law of *Spevack v. Klein*, decided January 31, 1967, to the circumstances surrounding his disbarment proceeding, which took place between November 15, 1957 (the date upon which he was first served the confiscatory subpoena by the judicial inquiry of which he complains) and March 1, 1965 (the date of denial of rehearing on his application for certiorari to the United States Supreme Court, which ended his direct appeal) respondent has suggested that the retrospective application of *Spevack* is here placed in issue. Because petitioner here seeks to extend the rule of *Spevack* from Fifth to Fourth Amendment protections, it may well be that no retroactivity question is raised; for the first case to espouse or extend a constitutional principle is not ordinarily subject to such scrutiny. But if it should be determined that *Spevack* is controlling in the instant case, some discussion of the question of retroactive application of new constitutional rules may be in order.

This Court has had to deal with several retroactivity problems generated by its recent departures from *stare decisis* in many areas of criminal due process. E.g., *Linkletter v. Walker*, 381 U. S. 618 (1965); *Tehan v. United*

State ex rel. Shott, 382 U. S. 406 (1966); *Johnson v. New Jersey,* 384 U. S. 719 (1966).

In a number of areas, such as right to counsel, *Gideon v. Wainwright,* 372 U. S. 335 (1963), exclusion of coerced confessions, *Jackson v. Denno,* 378 U. S. 368 (1964) and free transcripts furnished to indigents for purposes of appeal, *Griffin v. Illinois,* 351 U. S. 12 (1956), the Court has applied complete retroactivity to its constitutional decisions. In other areas, such as the search-and-seizure exclusionary rule, *Linkletter v. Walker, supra,* prohibited comment by the prosecutor on the failure of the accused to take the witness stand, *Tehan v. United States ex rel. Shott, supra,* and the police interrogation requirements of *Miranda v. Arizona,* 384 U. S. 436 (1966) and *Escobedo v. Illinois,* 378 U. S. 478 (1964), *Johnson v. New Jersey, supra,* more limited retroactivity rules have been employed.

Apparently the rule to be extracted from these disparate results is that where the new constitutional rule affects "the fairness of the trial—the very integrity of the fact-finding process" and involves "the clear danger of convicting the innocent," *Linkletter v. Walker,* 381 U. S. 618, 639 (1965), where its retroactive application would not "seriously disrupt the administration of our criminal laws," *Johnson v. New Jersey,* 384 U. S. 719 (1966), and where "other safeguards are [not] available to protect the integrity of the truth-determining process at trial," *Johnson v. New Jersey,* 384 U. S. 719, 729 (1966), the expanded version of the Bill of Rights must be applied retrospectively.

This Court has, however, been careful to point out that "the retroactivity or non-retroactivity of a rule is not automatically determined by the provision of the Constitution on which the dictate is based. Each constitutional

rule of criminal procedure has its own distinct functions, its own background of precedent, and its own impact on the administration of justice, and the way in which these factors combine must inevitably vary * * * [W]e must determine retroactivity 'in each case' by looking to the peculiar traits of the specific 'rule in question.'" *Johnson v. New Jersey*, 384 U. S. 719, 728 (1966).

Applying these principles to the instant case, several observations must be made.

First, this case does *not* require the retroactive application of the exclusionary rule of *Mapp v. Ohio*, 367 U. S. 643 (1961). For this case was pending on direct appeal at the time *Mapp* was decided, and petitioner urged the exclusion of the illegally seized records in timely and detailed fashion both to the Appellate Division (SR. 72-117) and the Court of Appeals (Brief of Respondent-Appellant, pp. 12-15, 24-26. Reply Brief of Respondent-Appellant, pp. 4-5). And it is clear that application of the expanded protections of recently announced decisions to state cases then pending on direct review is perfectly appropriate, and not a matter of retroactive application at all. *Linkletter v. Walker*, 381 U. S. 618, 627 (1965).

Second, there is no basis to conclude that the constitutional infirmity of denial of the effective assistance of counsel in violation of the Sixth and Fourteenth Amendments presents a problem of retroactivity. For *Gideon v. Wainwright*, 372 U. S. 335 (1963), which absorbed the Sixth Amendment right to counsel into the Fourteenth as a matter of due process was not only decided while the instant case was pending on direct review, but *Gideon* has been given complete retroactive application. See *Johnson v. New Jersey*, 384 U. S. 719, 727 (1966).

Third, the general Fourteenth Amendment violations with which petitioner contends his disbarment proceed-

ing was permeated present. no new principle of law to which a question of retroactivity could possibly attach, *except as to the applicability of such well-settled principles to state disbarment proceedings as well as state criminal prosecutions.*

The only question which then remains for determination on the issue of retroactive application of newly-announced constitutional doctrine is whether *Spevack v. Klein,* 385 U. S. 511 (1967), which applied specific due process protections to state disbarment proceedings and overruled *Cohen v. Hurley,* 366 U. S. 117 (1961), a decision squarely to the contrary, is applicable to petitioner, whose case had been finally adjudicated on direct review before the publication of *Spevack.*

While there has been no square holding of this Court dealing with the extent to which *Spevack* should be retrospectively applied, its enunciated principles of retroactivity compel the conclusion that petitioner is now entitled to any constitutional relief which *Spevack* offers.

What could more centrally affect "the very integrity of the fact-finding process" than the state's broad and roving search and confiscation of all of petitioner's records, refusal to permit him access to his own papers for a three-year period between their seizure and his hearing, and its leisurely selection of the eclectric morsels of such documentary evidence to be used against petitioner, without giving him an opportunity to introduce any of the rest of such documentary evidence which might have been exculpatory, where the determination of his guilt or innocence of professional wrongdoing turned upon testimony about, and inferences drawn from, those very documents?

What could more sharply evoke "the clear danger of convicting the innocent" than finding petitioner guilty of

an offense with which he had not been charged, against which he could not have prepared a defense, and of which he received notice for the first time upon the finding of guilt itself?

In the instant case the Referee made a serious factual error in his findings because of the inability of appellant's counsel to properly prepare without the appellant's records. The Referee relied upon the testimony of an accountant testifying on behalf of respondent. This accountant gave the impression that ledger entries indicated to what specific case disbursements, entered into such ledger by appellant's accountant, were attributable. The fact is that the ledger entries did no such thing. The ledger book rarely had entries reflecting expenses attributable to a particular case. In addition, the determination of whether expenses were taken "from the top," a finding of the Referee, is not supported by the ledger. Had the ledger and the checkbook stubs of the appellant been available to his counsel, in all probability he would have been able to expose this error of fact and change the outcome of the hearing. The same glaring inaccuracies appear in the accountant's handling of the figures in the Groeger case (H241-245). In trying to make figures reflect the accountant's theory of expenses being taken from the top, he lists in his testimony a total of $5,114.00 expended where actually $5,000.00 was the total amount available for distribution. Counsel was hamstrung from effective cross examination without the source materials, the ledgers and the checks.

In fact, when new counsel was retained for the purpose of appeal, he examined the records of the petitioner after receiving permission to do so from the Appellate Division. As a result, he was able to discover the above facts, and incorporated them in a motion made April 11,

1963 before the Appellate Division seeking reconsideration and a new hearing. This motion was denied. Some of these errors are so glaring that the accountant's credibility and ability are seriously open to doubt. For instance, in the Zucker case (H215-219), the accountant's figures total $7,118.80 as opposed to a total settlement figure of $7,000.00. In addition, the accountant found expense items which exceeded the amount he allocated. Nevertheless, he sought to force conclusions but did not account for discrepancies which challenged these conclusions.

Nor can the record reveal what evidence the defense would have presented to rebut the charges of subornation and perjury had petitioner been apprised in timely manner that he was standing trial on these counts as well as the thirty-three counts of which he was actually notified.

The other factors involved in the determination of retroactivity remain to be considered. Would retroactive application of *Spevack* "seriously disrupt the administration of our criminal laws"? Petitioner thinks not. The retroactive application of *Spevack* does not present the specter of thousands of violent, caged felons freed to prey upon society by a single retroactive constitutional stroke, either because the police did not give the *Miranda* warnings in the interrogation room, *Johnson v. New Jersey*, 384 U. S. 719 (1966), or because the prosecutor commented adversely to the jury upon the failure of the accused to take the stand in his own defense, *Tehan v. United States ex rel. Shott*, 382 U. S. 406 (1966). *Spevack* only applies existing standards of due process to the discipline of lawyers. Throughout the nation, state authorities have, since 1963, disbarred from 62 to 72 lawyers annually, at an average of about 1.4 per year per

state. See national statistics on disbarment for the years 1963-64, 1964-65 and 1965-66 supplied by American Bar Association per correspondence January 24, 1968, App. A, *infra*, p. 15 ff. It may be presumed that these disbarred lawyers were found guilty of, at most, non-violent, "paper" offenses. The strain upon the administration of justice in this sphere seems inconsequential when weighed against the manifest harshness and finality of depriving a lawyer of his livelihood for life by procedures which fall short of constitutional minimums.

A word about the third factor which has moved this Court in matters of retroactive application of recently-expanded constitutional protections: whether alternate safeguards "are available to protect the integrity of the truth-determining process at trial." Although it has been here suggested that *Spevack* affects but a small class of prosecutions, it is equally true that as to all of the prosecutions in that class which *Spevack* affects, it affects them *totally*. But for *Spevack*, an accused lawyer is helpless in the hands of a state bent upon stripping his profession from him. With the imprimatur of *Cohen v. Hurley*, a state could (and did) devise its own ground rules for disbarment of lawyers, with the rules of fact-finding, concepts of proof of guilt, presumptions of innocence and other due process considerations far below constitutional standards. Thus a lawyer fighting disbarment, whose sentence, upon a guilty finding, will in practical effect exceed all but the most severe criminal penalties, has little but *Spevack* and its implications "to protect the integrity of the truth-determining process at trial." By every rule of construction, *Spevack* should be given broad retrospective application.

II.

The argument made at page 6 of respondent's brief that the refusal of the New York courts to return petitioner's records to him after they were confiscated by subpoena, somehow converts an illegal search, seizure and detention of records into lawful conduct is more than "an exercise in semantics." Respondent's contention misses the entire thrust of petitioner's argument; for if the search and seizure and detention of records were illegal in the first instance, as petitioner contends, no judicial imprimatur of a state court can convert such acts into lawful behavior; rather, the court orders denying petitioner's motions for relief are themselves in contravention of constitutional command, and consequently, nullities at best.

Respondent attaches great significance to the fact that "the only demand petitioner ever made * * * was for the physical return of these records. He never asked * * * that he be allowed to use, work with, or copy them" (Respondent's Brief, p. 7). So far as the contentions made by petitioner that the records were acquired by means of illegal search and seizure are concerned (Petition, 24-33), the respondent's argument is hopelessly irrelevant. If, as petitioner contends, the law enforcement authorities were not entitled to possession of the documents at all, it can hardly be seriously contended that they could in any manner retain the option to select for the petitioner the mode by which he might use his own records. Even so far as the charge of illegal detention of the records is concerned (Petition, pp. 33-37), it is evident that the legal and extralegal action taken by petitioner to secure the *broad* relief of return of the documents at least includes the *more narrow* relief of permitting access to them, upon the principle that the *greater* request includes the *lesser*. It cannot now be denied that a court to whom such application was

made had the jurisdiction to fashion a more narrow remedy than was sought by petitioner, if it had wished to do so.

Respondent urges at page 10 of his brief (1) that petitioner has not properly preserved for review by this Court the issues raised in his petition for certiorari; and (2) that he has not demonstrated prejudicial error requiring reversal of the order of disbarment below.

The indelible fact is that petitioner did all in his power at the earliest possible time to raise the issues of illegal search and seizure and due process of law now presented to this Court. The record is replete with judicial and extra-judicial pre-hearing attempts by the petitioner to have his records returned to him after they were confiscated by the Judicial Inquiry pursuant to subpoena *duces tecum* in November, 1957 (See P. 5-6; SR. 74-84; BO. 2*). The dilemma which compelled petitioner to respond to the subpoena of the Judicial Inquiry in the first instance has been outlined elsewhere (P. 40-41; and see SR 136-137). And at the hearing itself, which, it must be noted, antedated by some six months this Court's ruling in *Mapp v. Ohio,* 367 U. S. 643 (1961) that the exclusionary rule was a constitutional command upon the states, petitioner was precluded from moving to suppress the confiscated records or from otherwise objecting to their admission as evidence by the Special Referee's exposition of the law of evidence *as it then existed in New York* dur-

---

* The Petition for Writ of Certiorari is referred to throughout as "P" followed by a page reference. The Brief in Opposition to Petition for Writ of Certiorari is referred to as "BO" followed by a page reference. The transcript of the hearing before the Special Referee is referred to as "H" followed by a page reference. The Report of the Special Referee is referred to as "Report." The Supplemental Record is referred to as "SR"; Supplemental Record A is referred to as "SRA." Numerical references following "SR" and "SRA" are to folios unless otherwise indicated.

ing the direct interrogation of the accountant called by the Assistant District Attorney:

> "Q. Will you explain to the Court how these books and records came into your possession?
>
> A. I think they came into my possession by subpoena.
>
> Special Referee: Tell me, does it make any difference how they got there?
>
> Mr. Markowitz [Assistant District Attorney]: I want to introduce them.
>
> Special Referee: If you have the books, introduce them. *In this State, even if they are illegally obtained, you can use them.*
>
> Mr. Gittleson [petitioner's counsel]: That is too bad, but it is a fact.
>
> Special Referee: I am afraid I agree with you." (H. 211) (Emphasis supplied).

Moreover the record denies respondent's contention that petitioner has not claimed or attempted to show any court that the confiscated records contained items which would have been helpful to him at the hearing before the Special Referee. (BO 10). For the record abundantly reflects not only the frustrations and difficulties under which petitioner and his counsel were required to function at the hearing, but the applications for relief addressed to the judiciary as well.

It must be borne in mind that, as the evidence developed, it became crucial to determine whether the proceeds of certain of petitioner's checks were actually received by the named payees and whether certain of petitioner's clients were charged sums in excess of the actual expenses in their cases. The ultimate resolution of these matters of fact against the petitioner by the Special Referee was a principal ingredient of the findings of subornation and perjury which resulted in petitioner's disbarment.

It is therefore evident that the confiscated checks and checkstubs, the ledgers and account books were vital to the defense, both as direct evidence and as a basis for intensive cross-examination of the accountant, whose testimony as an expert witness was the heart of the District Attorney's case. But the defense was denied the use of these records. Instead they were introduced piecemeal, eclectically, at the sole whim and caprice of the district attorney, who was in a position rarely attained by an advocate,—a position in which he could sift the evidence *ex parte* and offer the documentary evidence which aided *his* theory of the case and, with impunity, suppress that which might aid his adversary.

Furthermore, petitioner's dilemma with regard to the seizure and unavailability of the confiscated records was presented after the hearing in timely and detailed fashion to both of the courts below: The Appellate Division (SR. 72-117) and the Court of Appeals of the State of New York (Brief of Respondent-Appellant, pp. 12-15; 24-26; Reply Brief of Respondent-Appellant, pp. 4-5), particularly and immediately after this Court announced its decision in *Mapp v. Ohio*, 367 U. S. 643 (1961).

The prejudice to petitioner resulting from the illegal seizure and detention of his records has been amply demonstrated in each court below and in this Court. Since this Court has rejected the notion that state courts are the final arbiters of whether unconstitutional procedures have tainted a hearing or trial so as to require reversal, and instead, reviews state court proceedings to determine whether there is a *reasonable possibility* that the unconstitutional procedures *might have contributed* to the result, *Fahy v. Connecticut*, 375 U. S. 85 (1963), the record below clearly meets this broad test of reviewability and demonstrates the necessity for reversal here.

III.

Respondent's attempt to belittle the constitutional infirmity of a disbarment proceeding in which petitioner was found guilty of an offense of which he was never charged, never had notice or opportunity to defend, is pitiful, particularly in the light of this Court's most recent affirmation that disbarment proceedings "are adversary proceedings of a quasi-criminal nature," in which "[t]he charge must be known before the proceedings commence." *In re Ruffalo*, __ U. S. __, 36 U. S. L. Week 4284 (April 8, 1968). "[The] absence of fair notice as to the reach of the grievance procedure and the precise nature of the charges deprived petitioner," in the instant case as in *Ruffalo* "of procedural due process." Ibid.

CONCLUSION.

For the foregoing reasons, as well as for the reasons set forth in his petition for writ of certiorari, petitioner renews his prayer that the petition for writ of certiorari be granted.

Respectfully submitted,

BERNARD A. BERKMAN,
LARRY S. GORDON,
JOSHUA J. KANCELBAUM,
GERALD A. MESSERMAN,
Counsel for Petitioner.

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Of Counsel.

APPENDIX A.

AMERICAN BAR ASSOCIATION.
1155 East 60th, Chicago, Illinois 60637

January 24, 1968

Via Air Mail

Bernard A. Berkman, Esquire
1320 Superior Building
Cleveland, Ohio 44114

Dear Mr. Berkman:

Pursuant to our telephone conversation of today, we are enclosing statistics on disbarment, by state, for the years 1963-64, 1964-65 and 1965-66. We hope this information will be helpful to you.

If we may assist you further, please do not hesitate to call upon us.

Sincerely yours,

(Mrs.) Suzanne G. Manker
Information Service

rws
Enclosures

Sept. 1, 1963 - Aug. 31, 1964

	name struck rolls	disbarred	suspended	reinstated	license cancelled	resigned	censured
Alabama		2	4			6	
Alaska							
Arizona		4					
Arkansas		2					
California		5	6	2		4	
Colorado	2	1	1	1			
Connecticut		1	1			1	
Delaware			1				
D. of Colum.							1
Florida		6	9	3		2	
Georgia							
Hawaii							
Idaho			1	1			
Illinois	11	1	2	2			7
Indiana						2	
Iowa			1	3		1	
Kansas						2	
Kentucky							
Louisiana						1	
Maine				1			
Maryland		5	4	1			
Massachusetts							
Michigan		5	6	4		3	
Minnesota		5	1				
Mississoppi	2				1		
Missouri		3	2	1			
Montana		1					
Nebraska							
Nevada							
N. Hampshire							
N. Jersey		1	4			2	
N. Mexico							
New York							
1st Dept.	10	4	13	4			
2nd Dept.	4	1	5	3			
3rd Dept.							
4th Dept.		1	2	1			
N. Carolina		1			1		
N. Dakota				1			
Ohio		2	7			7	
Oklahoma			3	2		2	
Oregon		1	4	2			
Penn.		3	1			1	
Puerto Rico				1			
Rhode Island							
S. Carolina							
S. Dakota						3	
Tennessee							
Texas		3	6	5	1		
Utah							
Vermont							
Virginia				2	1		
Virgin Islands							
Washington		3	1	1			
West Virginia		1	1		1		
Wisconsin							
Wyoming							
TOTALS:	29	62	86	41	5	37	8

Sept. 1, 1964 - Aug. 31, 1965

	name struck rolls	disbarred	suspended	reinstated	license cancelled	resigned	censured
Alabama				3		14	
Alaska				1			
Arizona							
Arkansas				1			
California		6	22	5			
Colorado			2				
Connecticut		2	2				
Delaware							
D. of Colum.		3	7			1	
Florida		7	2	2		3	
Georgia			1				
Hawaii							
Idaho		1					
Illinois	7	2	4				5
Indiana		1		1			
Iowa			3				
Kansas							
Kentucky							
Louisiana				2			
Maine				2			
Maryland		2	2				
Massachusetts		6					
Michigan		1	4	5		2	
Minnesota		2					
Mississippi							
Missouri		3		1			
Montana							
Nebraska		3					
Nevada							
N. Hampshire							
N. Jersey		3	6	2			
N. Mexico							
New York							
1st Dept.	7	6	12	8			4
2nd Dept.		9	4	1		4	
3rd Dept.	1						
4th Dept.							
N. Carolina	1						
N. Dakota				1			
Ohio		1				5	
Oklahoma		2	2	1		3	
Oregon		4	4	1			
Penn.		4					
Puerto Rico							
Rhode Island							
S. Carolina		1					
S. Dakota							
Tennessee			4		3		
Texas		1	3	1			
Utah		1	1				
Vermont			3	1	1		
Virginia							
Virgin Islands							
Washington	2				1		
West Virginia			1				
Wisconsin		1	1	1	1		
Wyoming							
TOTALS:	18	72	90	40	6	32	9

CERTIORARI DENIED

Sept. 1, 1965 - Aug. 31, 1966

	name struck rolls	disbarred	suspended	reinstated	license cancelled	resigned	censured
Alabama					1		
Alaska			1	1			
Arizona		2					
Arkansas							
California		4	11	14		4	
Colorado	1			1			
Connecticut			2	1	1	1	
Delaware	2						
D. of Colum.		3	1	8			
Florida		3	4	2			
Georgia			2				
Hawaii							
Idaho				1			
Illinois	4	6			6		2
Indiana		1		1		2	
Iowa			4	1			
Kansas	1		1				
Kentucky		1	1				
Louisiana		2					
Maine				1		2	
Maryland	1	5	1			1	
Massachusetts		2	3				
Michigan		2		1		4	
Minnesota		2					
Mississippi							
Missouri		1	1			2	
Montana		2	1				
Nebraska							
Nevada			1				
N. Hampshire				1			
N. Jersey		2	7	2		3	
N. Mexico			1				
New York							
1st Dept.	7	6	3	9			
2nd Dept.	2	4	8	5			
3rd Dept.	2		2				
4th Dept.		1		1		4	
N. Carolina				1	1		
N. Dakota							
Ohio		2	4			2	
Oklahoma		3	3			3	
Oregon		4		2		1	
Penn.		3	3			1	
Puerto Rico		2				1	
Rhode Island		1					
S. Carolina		1					
S. Dakota						1	
Tennessee		1		2	2		
Texas			4			1	
Utah		2					
Vermont		1					
Virginia				2			
Virgin Islands							
Washington		1				1	
West Virginia				1			
Wisconsin			4	1			
Wyoming							
TOTALS:	20	70	73	59	12	34	2